

Appl. No. 10/672,904
Amdt. dated 12/9/05
Reply to Office Action of 9/20/05

PATENT
Docket: 030390

REMARKS

For purposes of being fully responsive to the examiner's request to elect a species from among the 14 embodiments set forth in the Official Action, Applicant would like to elect the species of embodiment 14 with traverse.

Applicant respectfully disagrees that the subject matter of Figures 2A, 2B, 3A-3C, 4A, 4B, 4C, 4D, 5, 7, 8, 9A, 9B, 9C and 10-11 are directed to fourteen (14) patentably distinct species as such.

Figure 10 (examiner's embodiment 14) shows a voltage controlled oscillator (VCO) having a variable inductor. A close reading of the claims reveals that the variable inductor is captured by independent claims 1, 21 and 23 and may be operably configured as set forth in any of dependent claims 2-20, 22 and 24. For example, the VCO may comprise a primary conductor formed in spiral pattern (claim 2) and/or a current source in series with secondary conductor source and switch (claim 3) and/or a where one or both the primary (claim 13) and secondary conductors (claim 14) are fabricated with a low-loss metal, while the switch is implemented with a MOS transistor (claim 15). The VCO (claim 18) itself may form a filter (claim 19) which filter may be part of an impedance matching network (claim 20).

Accordingly, the indication that there are multiple distinct embodiments defining different species which would require the Examiner to perform multiple searches in distinct technology areas is respectfully without merit.

Applicant would also like to traverse the indication by the examiner that independent claim 21 is directed to a different invention than claim 1. The only difference between the claims is that one claims a device while the other claims an integrated circuit. An integrated circuit is a device. Applicant prefers to have a separate independent claim, for infringement purposes, covering an integrated circuit, rather than a dependent claim. Applicant submits that the restriction requirement is improper, at least as it pertains to group 2, and should be withdrawn.

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CONCLUSION

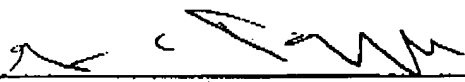
In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated 12/9/05

By:


George C. Pappas, Reg. No. 35,065
858-651-1306

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502